

**Introduced by Senator Runner**

February 24, 2012

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An act to add Section 821.1 to the Military and Veterans Code, relating to veterans.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1355, as introduced, Runner. Veterans: academic leave.

(1) Existing law, the California Military Families Financial Relief Act of 2005, generally provides financial relief, as specified, for a service member who is called to active duty. Among other provisions, the act requires, if requested by a student granted an academic leave of absence for military service, not later than one year after the student's release from military service, other than a dishonorable release, that the institution in which the student is enrolled either make arrangements to reasonably accommodate and assist the student to meet coursework requirements that he or she may have missed due to military service, or refund the tuition and fees paid by the student for the academic term in which the student is required to report for military service, as specified, and as elected by the student.

The act holds a person who violates provisions of the act liable for actual damages, reasonable attorney's fees, and costs incurred by a person seeking to enforce his or her rights under the act. Existing law also waives the filing fee and court costs for a person seeking to enforce the specified rights.

Existing law establishes the University of California, the California State University, the California Community Colleges, and independent institutions of higher education as the 4 segments of postsecondary education in this state. Existing law provides that each of the 3 segments of public higher education are to establish, and update as necessary, a

written policy concerning students who are called to active military service. Existing law further provides that this policy ensure that those students do not lose academic credits or degree status and that the policy provides for a refund of fees paid by the student for the term in which he or she was called to active military service.

This bill would add to the California Military Families Financial Relief Act of 2005 a provision that requires that, if an academic leave is requested by a student who is a member or honorably discharged veteran of the Armed Forces of the United States, the California National Guard, or the State Military Reserve because of a disability or medical disorder documented or diagnosed to have resulted from an injury or trauma suffered during active military service, a postsecondary educational institution, as defined, shall credit tuition and fees paid for the current academic term toward a subsequent academic term or refund those amounts, under certain conditions, as specified.

The bill would authorize an affected student who resides in this state to bring an action, in a court of competent jurisdiction in the county in which he or she resides, against an institution that fails to comply with the requirements of the bill. The bill would authorize an affected student who resides outside of the state to bring an action in a court of competent jurisdiction in the county in which the postsecondary educational institution is located.

By imposing new duties on community college districts this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 821.1 is added to the Military and
- 2 Veterans Code, to read:
- 3 821.1. (a) If an academic leave is requested by a student who
- 4 is a member or honorably discharged veteran of the Armed Forces

1 of the United States, the California National Guard, or the State  
2 Military Reserve because of a disability or medical disorder  
3 documented or diagnosed to have resulted from an injury or trauma  
4 suffered during active military service, a postsecondary educational  
5 institution shall credit tuition and fees paid for the current academic  
6 term toward a subsequent academic term or refund those amounts  
7 as required in subdivision (b), provided that both of the following  
8 conditions are satisfied:

9 (1) The medical condition limits the student's mobility or  
10 capacity to concentrate so as to significantly impede his or her  
11 ability to successfully complete the coursework.

12 (2) The student has suffered paralysis, the loss of a limb, sight,  
13 or hearing, or has been diagnosed with post-traumatic distress  
14 disorder or another disability that causes academic leave to be  
15 medically appropriate.

16 (b) (1) If a request for academic leave under this section is  
17 made before the academic withdrawal date established by the  
18 institution for the general student population, a sum equal to 100  
19 percent of the tuition and fees paid by the student shall be refunded  
20 to the Montgomery GI Bill Benefits Fund or other payer, including  
21 the student for direct payments, unless the student requests that  
22 the payment be credited to a subsequent academic term.

23 (2) Any amount credited to a student's account incident to  
24 withdrawal from a postsecondary educational institution shall be  
25 refunded within 60 days of the student's subsequent request or, if  
26 he or she fails to reregister, within two calendar years.

27 (c) If a postsecondary educational institution fails to comply  
28 with this section, an affected student who resides in this state may  
29 bring an action against the institution to enforce this section in any  
30 court of competent jurisdiction of the county in which the student  
31 resides. If the student resides outside of this state, the action shall  
32 be brought in a court of competent jurisdiction in the county in  
33 which the campus of the postsecondary educational institution  
34 previously attended by the student is located. Pursuant to Section  
35 829, the court may award reasonable attorney's fees and expenses  
36 if the student prevails in the action.

37 (d) As used in this section, "postsecondary educational  
38 institution" means a campus of the University of California, the  
39 California State University, the California Community Colleges,

1 or an independent institution of higher education that grants a  
2 baccalaureate degree.

3 SEC. 2. If the Commission on State Mandates determines that  
4 this act contains costs mandated by the state, reimbursement to  
5 local agencies and school districts for those costs shall be made  
6 pursuant to Part 7 (commencing with Section 17500) of Division  
7 4 of Title 2 of the Government Code.